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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,833	07/10/2003	Kenichi Suzuki	033294-010	8884

7590 02/09/2006
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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,833	Applicant(s) SUZUKI ET AL.	
	Examiner Lan Nguyen	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomerie et al. (GB 1,127,731) in view of Sugimura et al. (USP 4,526,205) and further in view of Budecker et al. (USP 4,807,945).

Re: claim 1, Montgomerie et al. show in figure 4 a hydraulic circuit, as in the present invention, comprising: a vessel having an inflow passage 40 into a hydraulic fluid chamber inside the bellows of the vessel and a discharge passage 49 independent of the inflow passage, from which the hydraulic fluid from the hydraulic fluid chamber is discharged, the vessel not operating when the pressure in the hydraulic fluid chamber is less than a set pressure and operating when the pressure in the hydraulic fluid chamber is at least the set pressure; and a valve mechanism 47 which restricts the discharge of the hydraulic fluid from the hydraulic fluid chamber in a state in which the vessel does not operate and which releases the restriction on the discharge of hydraulic fluid in a state in which the vessel operates, wherein the valve mechanism has an air discharge passage 47a for discharging air from the hydraulic fluid chamber in a state in which the vessel does not operate, as shown when the vessel is first filled with hydraulic fluid,

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existing air inside the bellows would be escaping through air passage 47a until the hydraulic chamber is full with hydraulic fluid. Montgomerie discloses that the vessel is for regulating pressure. Montgomerie further discloses in figure 2 a typical arrangement for an accumulator where in the fluid entering the accumulator 20 at inlet 24 is having a different pressure than the fluid entering the bellows 22 at inlet 25 to show a need for fluids at different pressures when applying the concept of regulating fluid pressure in an accumulator. Montgomerie does not show that the fluid outside of the bellows to be a gas and the fluid inside the bellows to be hydraulic fluid in figure 2. Montgomerie also lacks the environment for the vessel to be in. Sugimura et al. teach an accumulator 1 having a bellows 5 dividing the accumulator into a gas chamber 14 and a hydraulic chamber 15 in order to absorb pulsations in a hydraulic circuit. Budecker et al. teaches an old and well-known environment for an accumulator in a brake system wherein the accumulator 13 is connected between pump 23 and actuator 17, as claimed in claim 1, to absorb the pulsations in the hydraulic circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed Montgomerie's vessel in an old and well known hydraulic brake circuit as taught by Budecker in order to regulate the pressure in the hydraulic circuit which in turn would reduce the pulsations in the hydraulic lines for better control of the brake system. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have modified Montgomerie's vessel according to the teaching of Sugimura et al. using separate gas and hydraulic chambers when used as an accumulator in the brake system of Budecker.

Re: claim 2, Montgomerie shows the valve 47 to be installed inside the vessel.

Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's argument submitted 11/15/05 has been found persuasive. A new rejection is presented above to meet the amendments to the claim.

Remark

5. It is noted that Applicant submitted a third IDS on 8/20/04. However, a form PTO-1449 is missing from the IDS. Please re-submit said form in order for the Examiner to consider the prior art.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Lan Nguyen
Primary Examiner
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Lan Nguyen 2/2/06